

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Washington

RICHARD BERRY,

\_\_\_\_\_  
*Plaintiff*

v.

COMMISSIONER OF SOCIAL SECURITY,

\_\_\_\_\_  
*Defendant*

)  
)  
) Civil Action No. 4:16-CV-5088-MKD  
)  
)

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_  
\_\_\_\_\_.

☒ other: Plaintiff's motion for summary judgment (ECF No. 14) is GRANTED, in part, and the matter is REMANDED to the  
Commissioner for additional proceedings consistent with the order filed September 25, 2017 (ECF No. 19).  
Defendant's motion for summary judgment (ECF No. 16) is DENIED.  
Judgment for the Plaintiff.

This action was (*check one*):

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has  
rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision  
was reached.

☒ decided by Judge Mary K. Dimke \_\_\_\_\_ on cross-motions for summary  
judgment.

Date: September 25, 2017

CLERK OF COURT

SEAN F. McAVOY

s/ Pam Howard

(By) Deputy Clerk

Pam Howard